

EXHIBIT B

SUPPLEMENTAL DECLARATION OF FORREST FENN

I, Forrest Fenn, do hereby declare as follows:

1. This Declaration is intended to supplement my original Declaration filed in Case No. 3:20-cv-08123 before the District Court of Arizona (the "Lawsuit") on June 25, 2020. I have personal knowledge of all of the facts stated therein.
2. As indicated in my original Declaration, I was diagnosed in 1988 with cancer and was told that I had a 20% chance of surviving three years. As a result of that diagnosis, I realized how much I appreciated the wonderful experiences of my life up to that time, and I began to reevaluate my life. I wanted to leave something behind that might allow other to experience the sense of fun and adventure I had enjoyed in my life. I got the idea of hiding a treasure chest filled with valuable items in the Rocky Mountains to encourage others to explore nature as part of the search for the chest.
3. Fortunately, I recovered from the illness. And after many years of thought and planning, I hid a treasure chest (the "Chest") in the Rocky Mountains of Wyoming in 2010, filled with gold, jewels and other items.
4. On October 25, 2010, after hiding the Chest, I released a self-published collection of short stories about my life entitled *The Thrill of the Chase: A Memoir* (the "Memoir"). In the Memoir, I disclosed the fact that I had hidden the Chest in the Rocky Mountains and I generally described the contents of the Chest.
5. On page 132 of the Memoir, I included a poem I wrote (the "Poem") that contains nine clues, which if followed correctly would lead a searcher to the location of the Chest. A copy of page 132 of the Memoir showing the full Poem is submitted herewith as **Attachment 1**.

6. From the date of the launch of my Memoir, I have made it clear publicly that, if someone found and took physical possession of the Chest, they could keep it. The fourth full stanza of the Poem also makes this absolutely clear:

If you've been wise and found the blaze,
Look quickly down, your quest to cease,
But tarry scant with marvel gaze,
Just take the chest and go in peace.

(Emphasis added).

7. On June 5, 2020, someone I did not know (the "Finder") informed me that he had found the Chest in Wyoming at the exact location I had hidden it. On June 5, 2020, the Finder provided me with pictures of the Chest to confirm that it was in fact the Chest I left in the woods. The Finder brought the Chest to me in New Mexico, and I inspected it and its contents to confirm that it was indeed the Chest I had hidden in Wyoming in 2010.

8. One of my motivations in hiding the Chest was to inspire families to get their children away from the electronic devices and explore the forests of the Rocky Mountains -- all as part of a search for the Chest.

9. On October 25, 2010, the day the Memoir was publicly released, I gave my first interview concerning the Memoir and the Chest. The interview was aired on a program called *Santa Fe Radio Café*. The full interview can be heard on the internet at URL <https://www.youtube.com/watch?v=48cmOTDkhuQ>. At 17 minutes and 20 seconds into the interview, the interviewer and I had the following exchange:

Interviewer: Now you have done something quite unusual and I think fascinating to many which is that you buried a treasure chest somewhere in the hills or mountains north of Santa Fe, and have left clues in your memoir whereby people can find it.

Me: That's true. I have taken this treasure chest to a very secret and very special place and I've hidden it there. And there are nine clues in my book. You have to read the book. But if you have an imagination and you have pretty good mind and you have a little bit of resolve, you can find that treasure chest. *The first one to it can have it.*

(Emphasis added).

10. Since the publication of my Memoir in 2010, I have given dozens of public interviews about the Memoir and the Chest. **Attachment 2** to this Declaration is a compilation of some of the many public statements I made in the last ten years, which made clear that, in order to own the Chest, one must physically find and take possession of the Chest.

11. On May 5, 2011, I gave an interview on the local PBS station during a program called *Report from Santa Fe* with Loreen Mills. The full interview can be seen on the internet at the URL <https://www.youtube.com/watch?v=hbqC--RV2Ww>. At 7 minutes 15 seconds into the interview, the interviewer states: "So, at this time as we speak, you have ... placed a treasure somewhere in the mountains north of Santa Fe." I responded, "That's right." At 9 minutes 30 seconds into the interview, I explained part of my motivation for hiding the Chest and why I wrote the Poem. At 9 minutes 40 seconds into the interview, I specifically stated: "There are nine clues in that poem. *If you can follow the clues to the chest, you can have it.* And the poem says that." (Emphasis added).

12. On November 2, 2013, I made a presentation at Moby Dickens bookstore in Taos, New Mexico. The full presentation can be seen on the Internet at the URL <https://www.youtube.com/watch?v=8Rzrlu3hMec>. At 9 minutes 22 seconds into the presentation, speaking about the Chest, I stated, "I don't feel like I've given it away [the

treasure], whoever finds it is going to earn it, *once they find it and have it in their possession.*" (Emphasis added).

13. As another example of how clearly my intentions were expressed in public, *Esquire* magazine published on January 11, 2018, the following statements:

His main motive, he has said many times since, was to address today's "sedentary society" and "get kids out of the game room". It was also, he has pointed out, during the aftermath of the 2008 financial crash. "We were going into a depression, lots of people were losing their jobs. I wanted to give some people hope." As for whom he wanted to inspire, he says: "Every redneck in Texas that lost his job, has 12 kids and a pick-up truck and a sleeping bag. Throw all those things in the back of your pick-up truck. That's who *I hope finds the treasure chest.* Somebody that can use it."

(Emphasis added).

14. The Plaintiff in the Lawsuit, Brian Erskine, has misinterpreted the clues in the Poem as leading to some place in Colorado. The Chest was hidden and found in Wyoming.

15. Mr. Erskine has also misunderstood my Poem as being simply a riddle to be solved as means of acquiring the right to own the Chest without having to actually find and take possession of the Chest. I have never said publicly or privately to anyone – nor was it ever my intention -- that the Poem was simply a riddle to be solved and that actually finding and possessing the Chest was irrelevant to becoming the owner of it.

16. I have never said someone could have the Chest if they just figured out where it was hidden but did not retrieve it. Mr. Erskine neither found the Chest, nor did he figure out where it was hidden.

17. I informed the public on June 6, 2020, through the blog at www.dalneitzel.com, that the Chest had been found. More specifically, I stated:

The treasure has been found.

It was under a canopy of stars in the lush, forested vegetation of the Rocky Mountains and had not moved from the spot where I hid it more than 10 years ago. I do not know the person who found it, but the poem in my book led him to the precise spot.

I congratulate the thousands of people who participated in the search and hope they will continue to be drawn by the promise of other discoveries.

So the search is over. Look for more information and photos in the coming days.

(Emphasis added).

18. I informed the public that the "search is over" not because Mr. Erskine had served me with his Lawsuit on June 4, 2020, but because I had been informed on June 5, 2020 by the Finder that he had found the Chest and had provided me with sufficient proof that he had found and retrieved it.

19. Mr. Erskine attempted to intervene in December 2019 in a case (now dismissed) filed in Federal District Court in New Mexico in *Hanson v. Fenn*, Case No. 1:19-cv-01124-KK, in which Motion to Intervene Mr. Erskine makes the exact same claim he makes in this case.

20. I did not end the search when Mr. Erskine first made his claim that he was entitled to the Chest, because Mr. Erskine (and no one else to my knowledge) had not found the Chest.

21. Over the last ten years, I have received dozens of emails from people who, like Mr. Erskine, have claimed to have figured out where the clues in the Poem lead and further claimed that they have actually found the Chest. Until June 5, 2020, no one had

provided proof that they had actually figured out where the Chest was hidden and gone out and found the Chest.

22. The Finder understandably desires to remain anonymous, and I have respected his request.

23. Mr. Erskine makes many references in his Lawsuit filings to the Editor of *True West* magazine, Bob Boze Bell, as acting as "an intermediary" between me and Mr. Erskine.

24. The full extent of my interactions with Mr. Bell, insofar as concerns Mr. Erskine's claims, are contained in the emails between Mr. Bell and me on February 6, 2020, a complete copy of which is submitted herewith as **Attachment 3**. Aside from these emails, I have had no other communications with Mr. Bell about Mr. Erskine and his claims.

25. I declare under penalty of perjury that the foregoing statements are true and correct.

A handwritten signature in dark ink, appearing to read "Forrest Fenn", written over a horizontal line.

Forrest Fenn

Date: August 24, 2020

[2807357.2]

GOLD AND MORE

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containing nine clues that if followed precisely, will lead to the end
of my rainbow and the treasure:

As I have gone alone in there
And with my treasures bold,
I can keep my secret where,
And hint of riches new and old.

Begin it where warm waters halt
And take it in the canyon down,
Not far, but too far to walk.
Put in below the home of Brown.

From there it's no place for the meek,
The end is ever drawing nigh;
There'll be no paddle up your creek,
Just heavy loads and water high.

If you've been wise and found the blaze,
Look quickly down, your quest to cease,
But tarry scant with marvel gaze,
Just take the chest and go in peace.

So why is it that I must go
And leave my trove for all to seek?
The answers I already know,
I've done it tired, and now I'm weak.

So hear me all and listen good,
Your effort will be worth the cold.
If you are brave and in the wood
I give you title to the gold.

DATE	SOURCE	INTERVIEWER	LENGTH	NOTED TIME(S)	COMMENTS	Link
10/25/2010	YouTube	Santa Fe Radio Cafe	19:55	17:58	17:58: "You can find that treasure chest, the first one to it can have it"	https://www.youtube.com/watch?v=48mCTD8h-g
5/13/2011	YouTube	PBS-KNME, Report from Santa Fe Lorene Mills	28:18:00	9:45	9:45: "If you can follow the clues to the chest you can have it and the poem says that."	https://www.youtube.com/watch?v=8bGc-8nW0w
2/18/2013		The Daily Beast Magazine Article			"But can you at least assure people they won't get arrested? Or that they won't get sued and lose the money?" "I'm not assuring people of anything," Fenn admitted. "I went out there and hide a treasure chest, and they can go get it. That's it."	https://www.thedailybeast.com/secure-hunting-for-garret-fenns-buried-treasure-stein.html
4/13/2013	YouTube	Radio New Zealand Jesse Mulligan Audio Only	14:10	3:45; 5:30; 7:30	3:45: "part of my motive in writing my book, The Thrill of the Chase was to get kids off the couch and away from their texting machines, out of the game room and out into the mountain" 5:30: "my audience for this is every redneck Texan with a pickup truck, has lost his child with 8 kids, has an adventurous spirit, that's the guy I want to fill up the pickup truck with gas and head out to look for the treasure" 7:30: "others have estimated the value to be \$11.3 mil who saw it prior to hiding it. The person who finds it and raises it's lid will take a big gulp"	https://www.youtube.com/watch?v=8bGc-8nW0w
4/14/2013	YouTube	Santa Fe.com Todd Lovetro	4:46	1:03	1:03-2:10: "I decided get the kids off the couch out of the game room, out into the trees out in the mountains. We have a problem in this country with our youth we're obese and we use those little hand machines too much, I think. Kids are not going to agree with me.... (when asked a question with reference to the poem) I didn't want to be a door prize or win a lotto. I wanted people to go out exploring get out and have some adventure, some imagination, some common senses, to try to solve the clues in the poem and if you can do that and go to the treasure chest you can have it."	https://www.youtube.com/watch?v=8bGc-8nW0w
4/27/2013	YouTube	PBS-KNME, Report from Santa Fe Lorene Mills	28:52:00	3:35; 8:31; 9:04; 13:10	3:35: "gave 25,000 for treasure chest" 8:31: "I applied these people on the chase, they get people their kids off the couch out of the game rooms and away from their little texting machines they're out in the mountains smelling the sunshine, I think that's a wonderful by-product of this book" 9:04: "you know, Mr. Fenn we know we are not going to find the treasure but I want to thank you for getting me and my family out in the woods and that he says, 'is very rewarding to me'" 13:10: "the audience is every redneck in Texas, just lost his job and has a pickup truck, a wife and 12 kids and has an adventurous spirit... that's who I wrote it for, put some gas in your pickup, grab your sleeping bag and zipline the trail"	https://www.youtube.com/watch?v=8bGc-8nW0w
10/23/2013	YouTube	Collected book Works, Douglas Preston, Michael McGarrity	40:50:00	23:20	23:20: "my audience for my book is every redneck with a pickup truck, whose lost his wife has 12 kids and nothing to do, through his bedroll in the back of the truck and go look for the treasure and take your kids with you. I've had so many emails from people who tell me that it is exactly what they are doing"	https://www.youtube.com/watch?v=1T628acmdu0
11/2/2013	YouTube	Moby Dickers Book Shop Tacs	58:14:00	5:51; 6:29; 8:28; 8:57; 9:22; 17:45; 14:02; 8:59; 49:18	5:51: "my audience is every redneck Texan with a pickup truck, a wife and 12 kids, who has lost his job, throw a bedroll in the back of the truck and take the kids, get the kids out of the game room, away from their little game machines and let them breathe the fresh air and let them experience the wonderful things the forest has to offer, a wonderful opportunity... and have probably receive 15,000 emails from people saying Mr. Fenn we know we are not going to find the chest, but I want to thank you for getting me and my kids away from the couch and out into the wilderness" 8:28: "going to have to figure out the clues in the poem AND go to it" 8:57: "everybody wins if you go out look for it" 9:22: "I don't feel like I've given it away (the treasure), whoever finds it is going to earn it, once they find it and have it in their possession" 17:45: "If I get another disease, on my last dying gasp, I'm going to throw myself on that treasure chest and I'm going to dare you to come find me" 34:02: a question was asked if the car he used was rented? He goes on to say, he had not been asked before, but had thought about it and the reason why he would not answer is someone could check the mileage records, the same reason he would not say if he was 79 or 80 yrs old as he was concerned someone could check the rental records and how many miles were put on the car etc..." 38:59: Question was asked: Is it possible to locate the chest without leaving your computer and Google Earth? "No" there is not a picture of the treasure chest on Google Earth..." 49:18: Forrest makes a comment stating "about 35 people have claimed to have found the chest and he would bring up the bracelet (which he would like to buy back)..."	https://www.youtube.com/watch?v=8bGc-8nW0w
2015	YouTube	Today Show	1:16	20; 1:14	1:20: "my feeling is, if you can find the treasure chest you can have it" 1:14: "my argument is the person that finds it owns it"	https://www.youtube.com/watch?v=8bGc-8nW0w
2015		NPR A Beautiful World Podcast	4:00	1:43	1:43: "I think when they lift that lid their hand is going to go to their mouth..."	https://www.npr.org/2015/04/24/398464646/1-43-i-think-when-they-lift-that-lid-their-hand-is-going-to-go-to-their-mouth-1
5/17/2015	YouTube	Santa Fe New Mexican, Bruce Kraemer	3:00	25; 49:1:07	25: "sooner or later someone is going to find that treasure" 49: "rewarding thing for me is people are going out and searching with their whole families and send me pictures of where they have been and how much fun they have had and planning to go back in about 3 months... That is really what it is all about...the treasure is out there for somebody to find" 1:07: Question asked: there are people who say they went to the treasure, but the treasure was not there? "there have been 4 or 5 people that know exactly where the treasure is, but when they go there the treasure is not there and so one of two things has to have happened, first something has been taken before I could get here or the whole story is just a hoax, of course, all of them are still out searching for the treasure. People can through different emotions and Frances play a part in it and people should not spend more money than they have, the by-product, particularly kids, out in the sunshine and the fresh air and that's what we need more of in this country"	https://www.youtube.com/watch?v=8bGc-8nW0w
5/19/2015	YouTube	The Richard Edds Show, Santa Fe Podcast	45:46:00	23:00; 28:10; 28:25; 28:46; 21:37; 32:08	23:00: "If you find it you'll either start laughing or faint" 28:10: "Mr. Fenn, we know we are not going to find the treasure, but I just want to thank you for getting my kids out..." 28:25: "An author from Austin wrote to him asking who is his audience...every redneck in Texas who has lost his job, has 12 kids and a pickup truck, I said that's my audience and that's who I hope finds my treasure, but, you know Mr. Edds, we have a problem in this country with our youth today and none of us are doing enough to solve that problem. Our teenagers today are going to be our congress and senators 25 years from now President of the United States, I blame the churches and the schools, I blame you and I blame me because we are not doing enough to solve that problem. Our greatest asset we have in this country is our youth they are our future... feel it is incumbent on all of us to try and solve and, in my small way I am doing my part in everyone in this country, all the grownups in this country would do a little bit it would make a big difference" Some cost and content answers: 21:37: answers question as to what is in it, describes chest and what he paid \$25,000.00 32:08:46 little info on contents and their value, little Chinese jade figures I gave 12,000 each...	https://www.youtube.com/watch?v=8bGc-8nW0w
7/12/2015	YouTube	CBS Sunday Morning	8:33	8:40	6:40: question, "in your mind who would be the best to find the treasure?" "a family that is joined together and has gone out looking.... that was my primary motive"	https://www.youtube.com/watch?v=8bGc-8nW0w
8/10/2015	YouTube	Outside Magazine	3:07		Warning people who come searching for the treasure who are not from areas with mountains and will find themselves searching in place they are not familiar and that precautions need to be taken both in the winter and summer."	https://www.outsideonline.com/2015/07/10/secret-fenn-how-finds-his-mountain-adventure/
7/16/2016	YouTube	Allen & Favs	8:28	1:38; 2:58; 5:46; 7:37	1:38: "I invite everyone to read his poem and go out and find the treasure chest" 2:58: "people say they know where it is and I tell them if you know where it is then why don't you go get it, take a picture and send it to me and we will discuss it" 5:46: "one of my motives was to get the kids off the couch, out of the game room and out in the mountains, that was one of my deciding factors to hide this treasure chest" 7:37: "many have said, Mr. Fenn we know we are not going to find the treasure, but I want to thank you for getting me and my kids off the couch and out into the sunshine. That is very rewarding to me"	https://www.youtube.com/watch?v=8bGc-8nW0w
11/2/2017	YouTube	Doug Preston, Shish Chid, Collected Works	1:04:00	36:47:00	36:47: "If you read my book and read my poem and follow the clues they will take you to the treasure chest"	https://www.youtube.com/watch?v=8bGc-8nW0w
1/11/2018		Enquire Magazine Article			"His new motive, he has said many times since he addressed readers "ordinary poverty" and "get kids out of the game room" It was also, he has pointed out, during the aftermath of the 2008 financial crisis. "We were going into a depression, lots of people were losing their jobs. I wanted to give some people hope." As for whom he wanted to inspire, he says "Every redneck in Texas that lost his job, has 12 kids and a pick-up truck and a sleeping bag. I throw all those things in the back of your pick-up truck. That's who I hope finds the treasure chest. Somebody that can use it."	https://www.enquireonline.com/culture/424514177/treasure-hunt-for-fenn-gold-look-by-michael-m/
1/12/2018	YouTube	ABC Nightline	8:39	7:35	7:35: Stated by the treasure hunter giving the interview, "just as Fenn had intended, it's an adventure to go out looking for..."	https://www.youtube.com/watch?v=8bGc-8nW0w
5/4/2019	YouTube	Aussie TV Show	7:02	2:09; 5:01; 6:54	2:40: "I am very pleased with the number of people who have gone into the Rocky Mountains looking for the treasure, that was one of my goals and I am very pleased that has happened." 5:01: "the treasure is where I left it and it is going to be there for a long time until somebody finds it and I hope somebody finds it" 6:54: "I invite everybody in Australia to come to the United States and go to the Rocky Mountains and look for the treasure..."	https://www.youtube.com/watch?v=8bGc-8nW0w
11/4/2019	YouTube	Author, Douglas Preston (this is an excerpt from the 24:12 interview below)	6:16	17; 2:57	17: "You start the chase by getting in your car..." 2:57: "It's so obvious, the most important clue is the last one because you are holding the treasure..."	https://www.youtube.com/watch?v=8bGc-8nW0w
11/4/2019	YouTube	Douglas Preston	24:12:00			

From: forrestfenn@gmail.com <forrestfenn@gmail.com>
Sent: Thursday, February 6, 2020 2:01 PM
To: 'Bob Bell' <bozebell@twmag.com>
Cc: forrestfenn@gmail.com
Subject: RE: Brian Erskine

Thanks Bob. f

From: Bob Bell <bozebell@twmag.com>
Sent: Thursday, February 6, 2020 1:57 PM
To: Forrest Fenn <forrestfenn@gmail.com>
Subject: Re: Brian Erskine

Forrest,

Thanks for responding. Brian seems to be normal otherwise, but he is obsessed with your treasure and left me a very thick print out of all his efforts to "prove" he has solved the case. Now he wants a sit down to discuss, etc. I need to have him cease and desist, at least for my part.

Bob McCubbin has been institutionalized by his family and he has serious memory issues, if not full blown Alzheimer's, I'm sorry to report.

BBB

On Thu, Feb 6, 2020 at 1:53 PM <forrestfenn@gmail.com> wrote:

Bob.

I have numerous emails and documents from the guy and I'm still not sure what his angle is. I am staying away from him. What is your impression of him?

Do you know how Bob McCubbin is doing?

Forrest

Thanks for the email.

From: Bob Bell <bozebell@twmag.com>

Sent: Thursday, February 6, 2020 1:44 PM

To: Forrest Fenn <ffenn@earthlink.net>

Subject: Brian Erskine

Forrest,

This guy from Prescott, Brian Erskine, showed up at our offices a couple days ago and wanted to talk at length to me about how he has "solved" the Forrest Fenn treasure hunt. He said he has called you and talked with you and I asked him what you said? And he was a little vague about the conversation but he is obsessed with bringing the hunt to a conclusion, or, to prove he has "solved it." He keeps implying that we, True West, are responsible because we promoted you. What is your reaction to all this?

BBB

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Bob Boze Bell

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Bob Boze Bell